Writ Petition No. 778 of 2003

Nainital Bank Limited--- ---Petitioner

Versus

Civil Judge (S.D.) Almora
and another ---Respondents.

Hon'ble M.M.Ghildiyal, J.

Heard Sri A.K.Joshi learned counsel for the petitioner and learned Standing Counsel.

The plaintiff-petitioner filed suit no. 25 of 2002 against the defendant-respondent for permanent injection. Alongqwith the suit the plaintiff-petitioner also moved an application for temporary injunction which was rejected by the trail court. Aggrieved from the order of learned trial court the petitioner preferred an appeal before the District Judge. Vide order dated 29.10.2002 the District Judge allowed the appeal and also allowed the injunction application for temporary injunction directing both the parties to maintain status quo in respect of disputed *Angan* till the disposal of the suit. The petitioner has submitted that he has moved an application under section 151 C.P.C. for permitting him to construct bath room and toilets which have been demolished by the respondent. The said application is still pending and the petitioner is deprived of the providing the facilities of bathroom and toilets. The only prayer is that the trial court be directed to decide the application at the earliest. The prayer is innocuous. Respondent No. 1 is directed to decide the application paper no.24 Ga1 and 35 Ga2 preferably within a period of two months.

With these observations the writ petition is disposed of finally.

(M.M. Ghildiyal, J.)

August 25, 2003
MPS